

Appeal Decision Notice

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Decision by Philip G Hutchinson, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/270/2018
- Site address: Land west of Evelix Cottage, Scotsburn, Lamington, Invergordon, IV18 0PE
- Appeal by Galliford Try Construction against the decision by The Highland Council
- Planning application 08/00244/FULSU dated 7 July 2008, refused by notice dated 24 August 2009
- The development proposed: As amended – the erection of 3 dwelling houses
- Date of site visit by Reporter: 18 February 2010

Date of appeal decision: 2 March 2010

Decision

I dismiss the appeal and refuse to grant planning permission for the above development.

Note: My separate decision notice of even date deals with the appellant's claim for an award of expenses against The Highland Council.

Reasoning

1. The key issues are (1) whether the amended proposal for 3 houses is consistent with the development plan and (2) if not, whether other material considerations justify a development plan departure, or justify refusal on some other basis. Although others have also been mentioned, the most relevant parts of the development plan are policy BP2 in the Ross and Cromarty East Local Plan 2007, the settlement boundary for this location and the plan's detailed caveats applying to this settlement. These caveats are the need for shared rather than individual accesses and the provision of satisfactory drainage.

2. The above policy presumes against development which would have a significant adverse effect on (or be adversely affected by) features for which the area has been designated unless there are overriding social or economic benefits. The settlement boundary for Scotsburn/Lamington includes this site as a development opportunity. I find the above policy to be so general that it is after all of no practical assistance. The settlement boundary indicates that the council has nevertheless conceded the principle of residential development here subject, above all, to a shared access and adequate drainage. Although this concession appears locally unpopular, I have no choice but to take the development plan as I find it.

3. The other material considerations are; (i) whether the development would be sufficiently in tune with the character of the surroundings, and; (ii) whether any servicing, overlooking, or other practical problems are especially serious.

4. The drawings suggest that the site is level, and at the same level as the road. The site lies well above the road. The site has a pronounced cross-fall from back to front. This amounts to a good 2.5m and more to road level depending on the point of measurement. There is also a fall from east to west. The relationship of the development with existing and finished ground levels must be clearly shown and understood. Cross sections through each footprint using surveyed levels are essential. It is a pity that planning officials did not pursue this point. Without such details I fear considerable under-building which would exacerbate the visual impact. Planning officers did not even consider dealing with these matters by conditions. I consider such additional drawings to be a pre-requisite. In contrast with the well-treed frontage to the east, the site is completely open to the road. In contrast with the closest dwellings in every direction all 3 houses would be of two storeys (though I accept that one adjacent property may have accommodation in its roof space).

5. In principle the site is large enough for 3 houses (no more). Each would have a large enough plot for serious landscaping to help the development mature into its setting. However I am particularly anxious about the design of the central house. Although the upper floor ceilings would be combed it would have a two-storey projecting front gable. This would be very heavily glazed almost to ridge level. I can understand the desire for thermal efficiency, and for extensive glazing to exploit fine views. However this bold projecting gable is likely to be a strident feature as one approaches the frontage uphill from the west. I have no confidence in what its finished height might be. Moreover this largely glazed gable would directly overlook the shared access point. No amount of landscaping could ever conceal it from the passing public. Neighbours opposite are likely to have a strong perception of overlooking. I have chosen these last words carefully since the separation would be about 50m. However the new houses are likely to end up at a very much higher level than those opposite.

6. The principle of 3 new houses is not at odds with the development plan. However, for the reasons in the previous two paragraphs I am not satisfied that the development would be sufficiently in character with its surroundings. I accept that servicing and landscaping details could be adequately covered by planning conditions. I also accept that the locality has experienced a remarkable amount of ribbon development under previous policy regimes. However, this relatively open and elevated site demands more careful consideration. I consider the likely visual impact unacceptable. This is a detailed application. I have no scope for resolving these criticisms by the use of planning conditions.

7. Despite compliance with the development plan other material considerations justify refusal. Careful account has been taken of all the other matters which have been raised but they do not outweigh those considerations on which this decision is based.

This is a true and certified copy as issued to parties on 2 March 2010

PHILIP G HUTCHINSON
Reporter